

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIM EDWARDS ROGERS,

Plaintiff,

v.

GAVIN NEWSOME, et al.,

Defendants.

No. 2:21-cv-02180-DAD-DB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
THIS ACTION

(Doc. Nos. 2, 5)

Plaintiff Kim Edward Rogers, proceeding *pro se*, initiated this civil action on November 24, 2021. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 19, 2022, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute this action and failure to obey a court order. (Doc. No. 5.) The pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly:

1. The findings and recommendations issued on October 19, 2022 (Doc. No. 5) are adopted in full;
2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute this action and failure to obey a court order;
3. Plaintiff's pending motion to proceed *in forma pauperis* (Doc. No. 2) is denied as having been rendered moot by this order; and
4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: February 13, 2023

Dale A. Dwyer
UNITED STATES DISTRICT JUDGE